

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SEPRACOR INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-113-*** (MPT)
)	C.A. No. 06-604-*** (MPT)
)	(Consolidated)
DEY, L.P. and DEY, INC.,)	
)	
Defendants.)	

**STIPULATION TO AMEND THE AMENDED RULE 16 SCHEDULING ORDER
FOR CONSOLIDATED CASES (AS PREVIOUSLY AMENDED)**

THE PARTIES HERETO STIPULATE AND AGREE, subject to the approval of the Court, that the Amended Rule 16 Scheduling Order for Consolidated Cases (D.I. 152), as previously amended (D.I. 173 and D.I. 195), is further amended as follows:

1. Paragraph 3(d) is amended to provide that expert discovery shall be completed not later than January 31, 2008;
2. Paragraph 3(e) is amended to provide that supplemental expert reports shall be served on or before December 13, 2007;
3. Paragraph 10 is amended to provide that case dispositive motions, opening briefs and affidavits, if any, in support of such motions shall be filed and served on or before March 5, 2008;
4. Paragraph 11 is amended to provide that the parties shall exchange a list of claim terms they contend require construction by the Court on or before December 19, 2007, and will file a Joint Claim Construction Chart on or before March 5, 2008; and

5. Paragraph 12 is amended to provide that the parties shall file simultaneous claim construction opening briefs on or before March 5, 2008, and shall file simultaneous claim construction answering briefs on or before March 21, 2008.

This stipulation is the product of mutual agreement and compromise.

THE BAYARD FIRM

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SO ORDERED this _____ day of November, 2007.

United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on November 8, 2007, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

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The undersigned counsel further certifies that, on November 8, 2007, copies of the foregoing document were sent by email and hand to the above local counsel and by email and federal express to the following non-registered participant:

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